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10  
11 IN THE DISTRICT COURT OF THE UNITED STATES  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 UNITED STATES OF AMERICA,

No. CR 13-180-2 RS

16 Plaintiff,

17 STIPULATION AND ~~[PROPOSED]~~  
18 ORDER RE: RESTITUTION  
19 AND AMENDED PRELIMINARY  
20 ORDER OF FORFEITURE

21 vs.

22 VICTOR CHEN,

23 Defendant.  
24 \_\_\_\_\_/

25 STIPULATION

26 WHEREAS, on April 16, 2013, defendant Victor Chen entered into a plea  
agreement, whereby he agreed that \$610,099 in illegally derived proceeds are subject  
to forfeiture;

WHEREAS, on June 10, 2013, the Court entered a Preliminary Order of  
Forfeiture directing that \$610,999 shall be forfeited as proceeds obtained directly and  
indirectly from the commission of the offense of conviction;

WHEREAS, on or about July 8, 2013, defendant Chen presented to the United  
States a cashier's check for \$610,999, which defendant Chen agrees consists of  
proceeds from the offense of conviction, or of substitute property that qualifies for

1 forfeiture under an applicable statute;

2 WHEREAS, Leerink Swann, LLC has submitted a claim for restitution in the  
3 amount of approximately \$326,281.82;

4 WHEREAS, in its Judgment entered on July 24, 2013, the Court deferred ruling  
5 as to whether to order restitution and, if so, what amount;

6 THEREFORE, the parties stipulate and agree as follows:

7 (1) the parties shall request that the Court hold a hearing to determine whether to  
8 order any restitution;

9 (2) in the event the Court orders that defendant Chen pay an amount of  
10 restitution (the "restitution amount"), the parties agree that the restitution amount shall  
11 be paid from the funds that Chen presented to the United States, and that any funds not  
12 applied towards restitution shall be forfeited to the United States. The parties further  
13 agree to recommend that the attached [Proposed] Order re: Restitution and Amended  
14 Preliminary Order of Forfeiture be entered following the hearing.

15  
16 Dated: September 24, 2013

17 \_\_\_\_\_  
18 /s/  
TED W. CASSMAN,  
Attorney for Victor Chen

19 Dated: September 24, 2013

20 \_\_\_\_\_  
21 /s/  
VICTOR CHEN,  
Defendant


22 Dated: September 24, 2013

23 \_\_\_\_\_  
24 /s/  
ROBERT LEACH,  
Asst. U.S. Attorney

~~PROPOSED~~ ORDER

Pursuant to the stipulation and good cause appearing, it is HEREBY ORDERED that the Court shall hold a hearing on October 22, 2013, to determine whether to order any restitution, that any restitution ordered as to defendant Victor Chen shall be paid from the funds (\$610,099) that Chen previously presented to the United States, and that any funds not applied towards restitution shall be forfeited to the United States.

IT IS SO ORDERED this 2nd day of October 2013.

  
HON. ROBERT SEEBOOG,  
United States District Court Judge

1 ATTACHMENT TO STIPULATION

2  
3 [PROPOSED] ORDER RE: RESTITUTION AND AMENDED  
4 PRELIMINARY ORDER OF FORFEITURE  
5

6 On April 16, 2013, defendant Victor Chen entered into a plea agreement,  
7 whereby he agreed that \$610,099 in illegally derived proceeds are subject to forfeiture.

8 On June 10, 2013, the Court entered a Preliminary Order of Forfeiture directing  
9 that \$610,999 shall be forfeited as proceeds obtained directly and indirectly from the  
10 commission of the offense of conviction.

11 On or about July 8, 2013, defendant Chen presented to the United States a  
12 cashier's check for \$610,999, which defendant Chen agrees consists of proceeds from  
13 the offense of conviction, or of substitute property that qualifies for forfeiture under an  
14 applicable statute;

15 Having considered the Stipulation and [Proposed] Order Re: Restitution and  
16 Amended Preliminary Order of Forfeiture, the docket in this case, and good cause  
17 appearing,

18 IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3663A, defendant Victor  
19 Chen shall pay \$\_\_\_\_\_ to Leerink Swann, LLC as restitution for the  
20 commission of the offense of conviction.

21 IT IS FURTHER ORDERED that, pursuant to Federal Rule 32.2(e), an amended  
22 Preliminary Order of Forfeiture in the amount of \$\_\_\_\_\_ shall be entered  
23 against the defendant pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28  
24 U.S.C. § 2461(c).

25 IT IS FURTHER ORDERED that, the court maintain jurisdiction to enforce the  
26 Order of Forfeiture, and to amend it as necessary, pursuant to Federal Rule 32.2(e).

1 IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal  
2 Criminal Rules of Procedure, this Order of Forfeiture shall become Final Order as to the  
3 defendant at the time of sentencing and shall be made part of the sentence and  
4 included in the judgment.

5  
6 IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

7  
8  
9 HON. ROBERT SEEBORG,  
United States District Court Judge